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Pittsburgh, PA 15219-1818

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E-mail: webblaw@webblaw.com

#### **FACSIMILE INFORMATION SHEET**

Name of Individual:	MAIL STOP AF Commissioner for Patents						
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City and State: Alexandria, VA							
Facsimile Number:	703-872-9306						
From:	Ann Marie Cannoni, Esquire						
Total Number of Pages:	<u>10</u>						
Date Transmitted:	December 17, 2004  CV01489K US  Client No.: 4686 File No.: 045531						
	Client No.: 4686 File No.: 045531						
Message:	Fee Transmittal 1p. (2x) Notice of Appeal (2pp)(2x)						

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Ann Maric Cannoni

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Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. Effective on 12/08/2004. Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818) Complete if Known FEE TRANSMITTAL Application Number 10/057,323 Filing Date January 25, 2002 For FY 2005 First Named Inventor Harry R. Davis Applicant claims small entity status. See 37 CFR 1.27 Examiner Name San Ming R. Hui Art Unit 1617 TOTAL AMOUNT OF PAYMENT Attorney Docket No. CV01489K US/4686-045531 METHOD OF PAYMENT (check all that apply) Check Credit Card Money Order None Other (please identify): Deposit Account Deposit Account Number: 23-0650 Deposit Account Name Webb Ziesenheim Logsdon Orkin & Hanson, P.C. For the above-identified deposit account, the Director is hereby authorized to: (check all that apply) X Charge fee(s) Indicated below Charge fec(s) indicated below, except for the filing fee Charge any additional fee(s) or underpayments of fee(s) Under 37 CFR 1.16 and 1.17 Credit any overpayments WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038. FEE CALCULATION 1. BASIC FILING, SEARCH, AND EXAMINATION FEES FILING FEES SEARCH FEES **EXAMINATION FEES** Small Entity Small Entity Small Entity Application Type Fee (\$) Fee (5) Fee (\$) Fee (\$) Fee (\$) Fec (5) Fees Paid (S) Utility 300 150 500 250 200 100 Design 200 100 100 50 130 65 Plant 200 100 300 150 160 80 Reissuc 300 150 500 250 600 300 Provisional 200 100 Ó 0 2. EXCESS CLAIM FEES Fee Description Small Entity Fec (5) Each claim over 20 or. for Reissues, each claim over 20 and more than in the original patent Fee (5) 50 Each independent claim over 3 or, for Reissues, each independent claim more than in the original patent 25 200 100 Multiple dependent claims 180 Total Claims Extra Claims Fee (\$) Fee Paid (\$) Multiple Dependent Claims - 20 or HP = Fee (\$) Fee Paid (\$) HP = highest number of total claims paid for, if greater than 20 Extra Claims Fce (\$) Fec Paid (S) - 3 or HP = HP = highest number of independent claims paid for, if greater than 3 3. APPLICATION SIZE FEE If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s). Total Sheets Extra Sheets Number of each additional 50 or fraction thereof Fee (\$) Fee Paid (\$) \_\_\_\_\_/50 🛥 \_\_\_\_ (round up to a whole number) 4. OTHER FEE(S) Fee Paid (\$) Non-English Specification, \$130 fee (no small entity discount) Other: Notice of Appeal 500.00 SUBMITTED BY

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any continents on the amount of time you require to complete this form and/or 23312-1450. DO NO SEND FIEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents. P.O. Box 1450. Alexandria, VA

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Other: Notice of A	$a_{\prime}$			Registration No.	35,972	Te	ephone 4	112-471-8815			

This applie the co the completed application form to the USPTO. Time will vary depending upon the individual case. Any continents to complete, including gathering, preparing, and submitting suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commence, P.O. Box 1450, Alexandria, VA 22313-1450. DO NO SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 1500 per patents, P.O. Box 1450, Alexandria, VA 22313-1450. DO NO SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450. PAGE 3/10 \* RCVD AT 12/17/2004 9:05:35 AM [Eastern Standard Time] \* SVR:USPTO-EFXRF-1/1 \* DNIS:8729306 \* CSID: \* DURATION (mm-ss):02-56

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U.S. Palent and Trademark Office; U.S. DEPARTMENT OF COMMERCE PTO/SB/17 (12-04) Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. Fees pursuant to the Cansolidated Appropriations Act, 2005 (H.R. 4818) Complete if Known FEE TRANSMITTAL Application Number 10/057,323 For FY 2005 Filing Date January 25, 2002 First Named Inventor Harry R. Davis Applicant claims small entity status. See 37 CFR 1.27 Examiner Name San Ming R. Hui Art Unit 1617 TOTAL AMOUNT OF PAYMENT Attorney Docket No. CV01489K US/4686-045531 METHOD OF PAYMENT (check all that apply) Check Credit Card Money Order None Other (please identify): X Deposit Account Deposit Account Number: Deposit Account Name Webb Ziesenheim Logsdon Orkin & 23-0650 Hanson, P.C. For the above-identified deposit account, the Director is hereby authorized to: (check all that apply) Charge fee(s) indicated below Charge fee(s) indicated below, except for the filing fee Charge any additional fee(s) or underpayments of fee(s) Under 37 CFR 1.16 and 1.17 Credit any overpayments WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038. FEE CALCULATION 1. BASIC FILING, SEARCH, AND EXAMINATION FEES FILING FEES SEARCH FEES **EXAMINATION FEES** Small Entity Small Entity Small Entity Application Type Fee (\$) Fee (\$) Fec (\$) Fee (\$) Fee (S) Fee (\$) Fees Paid (5) Utility 300 150 500 250 200 100 Dosign 200 100 100 30 130 65 Plant 200 100 300 150 160 80 Reissue 300 150 300 250 600 300 Provisional 200 100 ٥ O 0 2. EXCESS CLAIM FEES Fee Description Small Entity Each claim over 20 or, for Reissues, each claim over 20 and more than in the original patent Fee (S) Fee (\$) Each independent claim over 3 or, for Reissues, each independent claim more than in the original patent 50 25 Multiple dependent claims 200 100 Total Claims 360 180 Extra Claims Fee (5) Fee Paid (\$) Multiple Dependent Claims - 20 or HP = HP = highest number of total claims paid for, if greater than 20 Fec (\$) Fee Paid (5) Inden, Claims Fec (5) Fee Paid (5) - 3 or HP = HP = highest number of independent claims paid for, if greater than 3 3. APPLICATION SIZE FEE If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s). Total Sheets Extra Sheets Number of each additional 50 or fraction thereof - 100 = Fee (\$) Fee Paid (\$) / **50 =** \_ (round up to a whole number) 4. OTHER FEE(S) Non-English Specification, \$130 fee (no small entity discount) Fee Paid (\$) Other: Notice of Appeal 500.00 SUBMITTED BY Signature Registration No. (Attorney/Agent) Telephone Name (Print/Type) 412-471-8815 Ann Marie Cannoni

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Application No. 10/057,323
Paper Dated: December 17, 2004

Attorney Docket No. CV01489K US/4686-045531

### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.

10/057,323

Inventors

Harry R. DAVIS, et al.

Filed

January 25, 2002

Title

COMBINATIONS OF PEROXISOME

PROLIFERATOR-ACTIVATATED

RECEPTOR (PPAR) ACTIVATOR(S) AND STEROL ABSORPTION INHIBITOR(S) AND TREATMENTS FOR VASCULAR INDICATIONS

Group Art Unit

1617

Examiner

San Ming R. Hui

Customer No.

28289

FACSMILE NO. 703-872-9306 Mail Stop AF Commissioner for Patents P. O. Box 1450 Alexandria, VA 22313-1450

# NOTICE OF APPEAL FROM THE PRIMARY EXAMINER TO THE BOARD OF PATENT APPEALS AND INTERFERENCES

Sir:

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the decision dated September 20, 2004 of the Primary Examiner finally rejecting claims 1-4, 11-13, 21, 28, 32, 34, 37-40, 42-43, 47-48, 83-84, 86 and 100-101.

I hereby certify that this correspondence is being sent via facsimile to: Commissioner of Patents (1.0. Box 1450, Alexandria, VA 22313-1450.

12/17/2004 Date

Signature

Chris Reichert

Typed Name of Person Signing Certificate

Application No. 10/057,323
Paper Dated: December 17, 2004
Attorney Docket No. CV01480V 119/460

Attorney Docket No. CV01489K US/4686-045531

The Commissioner for Patents is hereby authorized to charge any fees which may be required to Deposit Account No. 23-0650 or credit any overpayment to Deposit Account No. 23-0650. The original and two copies of this Notice of Appeal are attached.

Respectfully submitted,

WEBB ZIESENHEIM LOGSDON ORKIN & HANSON, P.C.

Ann Marie Cannoni

Attorney for Applicant

Registration No. 35,972

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Response Under 37 C.F.R. § 1.116 **Expedited Procedure** Group Art Unit 1617

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Application No. 10/057,323 Paper Dated: December 17, 2004

Attorney Docket No. CV01489K US/4686-045531

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COMBINATIONS OF PEROXISOME

PROLIFERATOR-ACTIVATATED RECEPTOR (PPAR) ACTIVATOR(S) AND STEROL ABSORPTION INHIBITOR(S) AND TREATMENTS FOR VASCULAR INDICATIONS

Group Art Unit

1617

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Ann Marie Cannoni

Attorney for Applicant Registration No. 35,972

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